

### **REMARKS**

In the Non-final Office Action mailed on February 1, 2006,<sup>1</sup> the Examiner rejected claims 1-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,822,425 to Ezaki et al. ("*Ezaki*") in view of U.S. Patent No. 5,710,771 to Ueno ("*Ueno*").

Applicant has amended claims 1, 5, 6, 9, 13, 14, 17, 21, 22, 25, 29, 30, 33, 34-39, 42, and 43. Claims 1-45 remain pending.

Applicant finds the Office Action mailed on February 10, 2006 unclear. The Examiner rejects claims 1-45 under 35 U.S.C. § 103(a) based on *Ezaki* and *Ueno* (Office Action at 2), but only cites *Ueno* when addressing claim 1 (Office Action at 3). Thus, it is unclear whether the Examiner is using *Ueno* to also reject claims 2-45. Because the outstanding Office Action is unclear, Applicant requests clarification in the next office action, and that the next office action be non-final.

Applicant respectfully traverses the rejection of claims 1-45 under 35 U.S.C. § 103(a) as being unpatentable over *Ezaki* in view *Ueno*. To sustain a rejection under 35 U.S.C. § 103(a) the Examiner must establish a *prima facie* case of obviousness by showing (1) that the applied prior art references, taken alone or in combination, teach or suggest all of the claim elements; (2) that there is motivation to modify the cited references to result in the claimed invention; and (3) that there is an expectation of success from modifying the cited references. M.P.E.P. § 2143.

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<sup>1</sup> The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

In particular, *Ezaki* and *Ueno*, whether taken alone or in combination, do not disclose a signal transmission method including the step of "selecting a parameter associated with an error check code based on the detected type of the additional information," as recited in amended independent claim 1.

The Examiner acknowledges that *Ezaki* "fails to disclose [a] parameter associated with an error check code depending upon the detected type of the additional information" (Office Action at 3). The Examiner uses *Ueno* to allegedly cure this deficiency in *Ezaki*, stating: "Ueno discloses a multichannel communication system wherein main information and additional information is detected through error codes. The error codes are associated with the additional information as disclosed in Column 1, Lines 34+ through Column 2, Lines 1-30" (Office Action at 3). The Examiner further alleges: "[t]he selection of a parameter associated with the error codes provides the system the ability to receive proper transmission of the main information as well as additional information" (Office Action at 3).

The relied-upon portions of *Ueno*, however, merely disclose transmitting signals including additional information (such as information representing reception permission) where error-correcting codes are added to the transmitted signals to prevent information errors, thus ensuring that the additional information is reliably received (*Ueno*, col. 1, lines 20-40). *Ueno* is completely silent with respect to selecting parameters, let alone "selecting a parameter associated with an error check code." Furthermore, *Ueno* only discloses that the error-correcting codes are added to transmitted signals to prevent information errors, and does not disclose that they are associated with other

parameters, let alone a "selected parameter," as recited in amended independent claim 1.

Moreover, as discussed above, *Ueno* discloses adding the error-correcting codes to transmitted signals, where the transmitted signals include additional information. Adding error-codes, as described by *Ueno*, does not create an association between detected additional information and an alleged selected parameter (though Applicant asserts that *Ueno* does not disclose a selected parameter). Thus, *Ueno* does not teach or suggest a process of "selecting a parameter associated with an error check code based on the detected type of the additional information" (emphasis added), as recited in amended independent claim 1.

For at least the above-noted reasons, Applicant submits that amended independent claim 1 is allowable over *Ezaki* in view of *Ueno*. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of amended independent claim 1 under 35 U.S.C. § 103(a).

Independent claims 9, 17, and 25, while of different scope, recite limitations similar to those recited in amended independent claim 1, and are thus allowable over *Ezaki* and *Ueno* for at least for the same reasons presented above for amended independent claim 1. In addition, claims 2-8, 10-16, 18-24, and 26-32 are allowable at least because of their respective dependence from allowable independent claims 1, 9, 17, and 25.

In addition, with respect to independent claim 33, *Ezaki* and *Ueno*, when taken alone or in combination, at least fail to disclose an apparatus "wherein [the] error check code generator switches a parameter used in generation of the error check code based

on the type of the additional information” (emphasis added), as recited in amended independent claim 33.

The Examiner relies on col. 13, lines 1-31 of *Ezaki* for allegedly teaching “the generation of the gate pulse which corresponds to the horizontal synchronous signal and thereby generates the error check code” (Office Action at 9). The cited portion of *Ezaki*, however, discloses a “gate pulse generating circuit 89 [that] receives the horizontal synchronous signal HD . . . and generates a gate pulse” that ultimately leads to the insertion of the XDS data sequence with a check sum automatically appended to the end (*Ezaki*, col. 13, lines 7-9; see also Fig. 4 and col. 5, lines 50-65). Even to the extent the Examiner alleges that the horizontal synchronous signal HD in *Ezaki* corresponds to the claimed parameter (and Applicant does not agree that it does), *Ezaki* fails to disclose, for example, gate pulse generating circuit 89 switching to receive other signals. Thus, *Ezaki* fails to teach the claimed “error check code generator [which] switches a parameter,” as recited in amended independent claim 33. Moreover, *Ezaki* fails to teach the claimed “error check code generator [which] switches a parameter . . . based on the type of additional information,” as further recited in amended independent claim 33.

*Ueno* fails to fulfill the above-noted deficiencies in *Ezaki*, nor does the Examiner rely on *Ueno* for these teachings. Amended independent claim 33 is thus allowable over the applied references at least for the above-noted reasons, and in a similar fashion, independent claims 34-39 are allowable over *Ezaki* and *Ueno* at least for the reasons discussed above in regard to amended independent claim 33. Finally, claims 40-45 are allowable at least due to their dependence from independent claim 39.

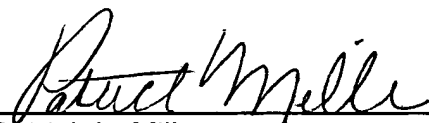
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: May 10, 2006

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